

Wilmington Journal.

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The London Times on the Mason-Sidell Seizure.
It requires a strong effort of self-restraint to discuss with coolness the intelligence we publish to-day. An English mail steamer sailing under the British flag and carrying letters and passengers from a Spanish port to England, has been stopped on the high seas, and over-

hauled. Four of the passengers have been taken out and carried off as prisoners, claiming and vainly claiming as they were being forced away, the protection of the flag of Great Britain. These are the naked facts.

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It is then true that every officer of the American Navy can stop and order any ship, whether they

may be found, and can take out of them any persons whom he may claim to be citizens of the United States or officer of the Confederate Government? If we were to admit the Federal view of their own position it would be plain that no such right exists.

They tell us that they are not at war but are only putting down a rebellion. Then can we say that they

are not blockading their own ports but are simply enforcing a law which has closed the Southern ports as ports of entry. They insist upon putting their quarrel upon the same ground as if the Queen of England were putting down a rebellion in the Isle of Wight. Now if this were so, it is clear that the Federal States of America here in stopping our mail steamer, have quite

of an act of aggression which could only be properly punished by laying an embargo on every American ship in British ports, and sweeping their little navy from the sea.

They would according to that point of view not be at war, and would have none of the rights of belligerents over neutrals. They would no more be belligerents

than England was after the celebrated Smith O'Brien battle in the cabbage garden, and they would have no more right to stop our ships and carry off our passengers than we should have had to stop a French ship, and take Mr. Smith O'Brien out of her. But this assumption of the Federal Government has been disallowed.

The world generally has refused to see in this disruption, and re-construction of the North American Republic a mere rebellion. They have regarded both republics as belligerent States. We declare neutrality between them as two warring powers. We note out a precise degree of equal consideration for the ships of war of each. In everything but our supremacy we

bear ourselves exactly equal between them. Whenever the Southern States shall have given proof of such stability, as may make it sure that they can sustain their independence, we shall doubtless recognize them, diplomatically as we already do *de facto*.

Unwelcome as the truth may be, it is nevertheless a truth that we have ourselves established a system of in-

ternational law which now tells against us. In a high-handed and almost despotic manner, we have in former days claimed privileges over neutrals, which have at different times banded all the maritime powers of the world against us. We have insisted upon stopping the ships of war of neutral nations, and taking British subjects out of them: and an instance is given by Jeff-

We have always been the strenuous assertors of the right of belligerents over neutrals, and the decisions of our Courts of law as they must now be guided by our law

officers, have been in confirmation of these unreasonable claims which have called into being Confederates and armed neutralities against us and which have always been modified in practice when we were not supreme in our dominion at sea. Owing to these facts, the authorities which may be cited on this question are too numerous and too uniform as the right of search by belligerents.

erent ships-of-war over neutral merchant vessels to be disputed. "The only security that nothing is to be found inconsistent with amity and the law of nations, known to the law of nations," said Lord Stowell, in the celebrated case of *María*, "is the right of personal visitation and search to be exercised by those who have an interest in making it."

Again, Lord Stowell, who is the storehouse of all the English law on this subject, says: "Be the ships, the cargoes, and the destination what they may, the right of visit and search are the incontestible right of the cruisers of a belligerent nation. 'Til they are visited and searched, it does not appear what the ships or the destination are, and it is for the purpose of ascertaining these

points that the necessity of this right of visitation and search exists. This right is so clear in principle that no man can deny it who admits the rights of maritime capture; because if you are not at liberty to ascertain by sufficient enquiry whether there is property that can be legally captured, it is impossible to capture. The many European treaties which refer to this right, refer

"The duty of self-preservation give to belligerent nations the right. The doctrine of the English Admiralty

So far as the authorities go, the testimony of international law writers is all one way, that a belligerent war cruiser has the right to stop and visit and search any merchant ship upon the high seas.

We do not say that there is any provision in the law of nations which will entitle us to maintain that their persons were sacred by reason of their mission; but, on the other hand, we are not aware of any authority which will show that these envoys are contraband of war.

If we had recognised the Confederate States we apprehend that we should have been perfectly justified in

But, even if it were necessary to admit that these gentlemen were in a belligerent or contraband character on board the English vessel, it is, we believe, the opinion of every eminent jurist that this was not a ques-

tion to be adjudicated on by a naval officer and four boats' crews. The legal course would have been to take the ship itself into port, and to ask for her condemnation, or for the condemnation of the passengers, in a Court of Admiralty. The result might, no doubt, have been the same; but if the proceeding was irregular we have surely a right to demand that these prisoners shall

When such tremendous interests are at stake we feel deeply the responsibility of discussing a question like this. Our first duty is to be calm, certainly not to inflame the general indignation which will be felt in these islands as the news is told. We cannot yet believe, although the evidence is strong, that it is the fixed deter-

On the other hand, we appeal to the reasonable men of the Federal States—and they have some reasonable

Even Mr. Seward himself must know that the voices of these Southern Commissioners, sounding from their

capacity, are thousand times more eloquent in London and Paris than they would have been if they had been heard at St. James and the Tuilleries. Questions of this kind in countries where the people exercise power pass but too quickly out of the hands of lawyers and statesmen, and give irresistible power to neither the wisest nor the most peace-loving members of a commu-

FINDING THEIR LEVEL.—Mr. Lincoln, in his late message, recommends the recognition of Hayti and Liberia, and the establishing of friendly intercourse with them. Congress will doubtless respond, and then we shall soon see Sambo and Dinah elegantly installed at Washington, the education of the colored people, and the

and daughters of the Lincoln ministry. Well if it is their taste, we say let them enjoy it.

Savannah Republican.

RESIGNATIONS IN THE ARMY.—We learn that the War Department has determined to adopt the uniform rule of refusing to accept the resignations of commis-

sioned officers in the army, unless on evidence of disability, furnished in a surgeon's certificate, or for especial reasons within the discretion of the Secretary of War.



